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Attornevs for Plaintiff. Lisa Corson

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LISA CORSON, an individual, Plaintiff, v. CRESTICO, INC., a Delaware corporation, and DOES 1-10 INCLUSIVE, Defendants.	Case No. **COMPLAINT FOR COPYRIGHT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

Lisa Corson ("Corson"), by and through her attorneys of record, complains against Crestico Inc. ("Crestico") and DOES 1-10 (collectively "Defendants") as follows:

JURISDICTION AND VENUE

1. This is a civil action against Defendants for their acts of copyright infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq*. This Court has subject matter jurisdiction over the copyright infringement under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a).

2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be found and transact business in this Judicial District, and the injury suffered by Plaintiff took place in this Judicial District. Defendants are subject to the general and specific personal jurisdiction of this Court because of their contacts with the State of California.

PARTIES

3. Plaintiff Lisa Corson is an individual who resides in Ojai, California.

4. Plaintiff is informed and believes and, upon such, alleges that Crestico, Inc. is a Delaware corporation, with its principal place of business in Woodland Hills, California.

5. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this Complaint and insert the true names and capacities of said Defendants when the same have been ascertained. Plaintiff is informed and believes and, upon such, alleges that each of the Defendants designated herein as a "DOE" is legally responsible in some manner for the events and happenings herein alleged, and that Plaintiff's damages as alleged herein were proximately caused by such Defendants.

STATEMENT OF FACTS

The Photos Forming the Subject Matter of This Dispute

6. Lisa Corson ("Corson") is a commercial, travel, and restaurant photographer who is hired by high-profile clients to shoot photographs for, inter alia, websites, magazines and newspapers. Corson's work has appeared in the *Wall Street Journal*,

Sunset Magazine, *Country Living*, *San Francisco Magazine*, among many other noted publications.

7. Corson has authored certain photographs of high-end luxury real estate, art, and food. These images are professional-grade, unique photographs with popular appeal that have been licensed to the *Wall Street Journal.* At least 15 of these images form the subject matter of this dispute and are referred to herein as the "Photos."

8. Corson has timely registered the Photos with the United States Copyright Office, and their respective registration numbers are VAu 1-159-747, VAu 1-159-752, VAu 1-177-098, VA 1-981-757, and VAu 1-198-092.

9. Corson owns all rights, title and interests (including the copyrights thereto) to the Photos.

The Defendant and the Marketplace

10. By its own admission, Crestico, Inc., owns, operates and/or controls LenderHookup.com, a website that purports to "[c]onnect[] Lenders with Mortgage & Real Estate Professionals" and provides information and content relating to the same. Crestico discloses its ownership, operation and/or control of LenderHookup by and through its legal disclaimers located at http://www.crestico.com/home/about-us/legal-public-notices/, although, on information and belief, it fails to disclose its relationship with LenderHookup on the Lenderhookup website, making the relationship unapparent to those visiting just Lenderhookup.com. Although Crestico appears to take great pains to de-emphasize its ownership, operation and/or control of the actual Lenderhookup website, on information and belief, Crestico's ultimate purpose for owning, operating and/or controlling the website is to promote Crestico's mortgage and financing services from a seemingly unrelated and, therefore, trustworthy source. For example, the one and only "featured lender" on the website is Crestico, and the one and only "links and resources" is Crestico Realty. Crestico uses Lenderhookup to essentially provide "product placement" for Crestico.

11. Because Crestico receives product placement from Lenderhookup.com, it directly benefits from the web traffic driven to the website as Crestico is the ultimate referral source.

12. On information and belief, LenderHookup.com reaches and solicits business from individuals around the world, including viewers in California, especially as the content features ample California real estate in this judicial district.

13. Corson alleges, on information and belief, that Crestico owned and operated lenderhookup.com at all times relevant to this dispute.

14. Defendant has, on information and belief, violated federal law by willfully infringing Corson's copyrights to at least 15 photographs on the Website. Attached hereto as Exhibit A is a true and correct copy of screenshots showing Defendant's use of the Photos on the Website.

15. Specifically, Defendant reproduced, distributed and publicly displayed at least 15 Photos, and derivatives thereof, on its website without permission, consent, or license.

16. On information and belief, Defendant's reproduction, distribution and public display of at least 15 of Corson's photographs, and derivatives thereof, continues unabated to this very day.

17. On information and belief, Defendant promoted its brand and attracted customers to the Website in part due to the presence of the Photos that frame this dispute. As shown in Exhibit A, the Photos are displayed in full-size, high quality on the Website. All of the traffic and interest from viewers translates into substantial ill-gotten commercial advantage and revenue generation for Defendant as a direct consequence of its infringing actions.

18. On information and belief, Crestico understands the importance of copyrights, as demonstrated by its own use of the © notice on its website content, and is a sophisticated entity fully aware of the basic licensing strictures of federal copyright law.

FIRST CLAIM FOR RELIEF

(Copyright Infringement, 17 U.S.C. § 501)

19. Plaintiff Corson incorporates here by reference the allegations in paragraphs 1 through 18 above.

20. Corson is the rightsholder to the copyrights of the Photos, which substantially consist of wholly original material that constitutes copyrightable subject matter under the laws of the United States. Corson has complied in all respects with the Copyright Act and all of the laws of the United States governing copyrights. The Photos have been timely registered with the United States Copyright Office.

21. Defendant has directly, vicariously and/or contributorily infringed, and unless enjoined, will continue to infringe Corson's copyrights by reproducing, displaying, distributing and utilizing the Photos for purposes of trade without authorization of or payment to Corson in violation of 17 U.S.C. § 501 *et seq*.

22. Defendant has willfully infringed, and unless enjoined, will continue to infringe Corson's copyrights by knowingly reproducing, displaying, distributing and utilizing the Photos for purposes of trade.

23. On information and belief, Defendant's acts of infringement are willful because, inter alia, the Defendant is a sophisticated business with full knowledge of the strictures of federal copyright law and the basic requirements for licensing the use of copyrighted content for commercial exploitation.

24. On information and belief, Defendant, despite such knowledge, willfully reproduced, publicly distributed and publicly displayed the Photos on the Website.

25. Defendant has received substantial benefits in connection with the unauthorized reproduction, display, distribution and utilization of the Photos for purposes of trade, including by increasing the traffic to the LenderHookup website and, thus, increasing the potential sales of Crestico's services.

26. The actions of Defendant were and are continuing to be performed without the permission, license or consent of Corson.

27. The wrongful acts of Defendant have caused, and are causing, great injury to Plaintiff, of which damages cannot be accurately computed, and unless this Court restrains Defendant from further commission of said acts, Corson will suffer irreparable injury, for all of which it is without an adequate remedy at law. Accordingly, Plaintiff seeks a declaration that Defendant is infringing Corson's copyrights and an order under 17 U.S.C. § 502 enjoining Defendant from any further infringement of Plaintiff's copyrights.

28. As a result of the acts of Defendant alleged herein, Corson has suffered and is suffering substantial damage to its business in the form of diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of its rights, all of which are not yet fully ascertainable.

29. Plaintiff has identified at least 15 works willfully infringed by Defendant, which occurred by way of reproduction, public distribution and public display of the Photos on the Website. Therefore, Corson is entitled to a potential award of up to $2.25 million in statutory damages.

30. Alternatively, at its discretion, Corson is entitled to actual damages in an amount to be proven at trial for the infringement of all works at issue.

31. Plaintiff is also entitled to its attorney's fees, costs and interest in prosecuting this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

1. The Defendant, its officers, agents, servants, employees, representatives, and attorneys, and all person in active concert or participation with them, be permanently enjoined from designing, copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in, any and all advertising and promotional materials, print media, signs, Internet websites, or any other media, either now known or hereafter devised, bearing any design or mark which infringe,

contributorily infringe, or vicariously infringe upon Plaintiff Corson's rights in the photographs at issue.

2. Defendant be held liable to Plaintiff in statutory damages for copyright infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) & (c) and for costs, interest and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

3. An accounting be made for all profits, income, receipts or other benefit derived by Defendant from the reproduction, copying, display, promotion, distribution or sale of products and services, or other media, either now known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

4. Requiring Defendant to account for and pay over to Plaintiff all profits derived by Defendant from its acts of copyright infringement and to reimburse Plaintiff for all damages suffered by Plaintiff by reasons of Defendant's acts, pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

6. That Plaintiff be awarded any such other and further relief as the Court may deem just and appropriate.

Dated: March 8, 2017 **ONE LLP**

By: /s/ Joanna Ardalan
Peter R. Afrasiabi, Esq.
John Tehranian, Esq.
Joanna Ardalan, Esq.
Attorneys for Plaintiff,
Lisa Corson

DEMAND FOR JURY TRIAL

Plaintiff Corson hereby demands trial by jury of all issues so triable under the law.

Dated: March 8, 2017

ONE LLP

By: /s/ Joanna Ardalan
Peter R. Afrasiabi, Esq.
John Tehranian, Esq.
Joanna Ardalan, Esq.
Attorneys for Plaintiff,
Lisa Corson